

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LUCINDA CURRIE	:	CIVIL ACTION
	:	
v.	:	NO. 24-726
	:	
21ST CENTURY CYBER CHARTER SCHOOL, ANDREA FOX, MOLLIE BURNETT, MICHELE ORNER, VERONICA ANDES, DENISE STROHMAYR, MATTHEW FLANNERY	: : : : : : :	

ORDER

AND NOW, this 17th day of June 2024, upon studying Defendants' Motion to dismiss (ECF No. 10) the amended Complaint (ECF No. 6), Motion for a more definite statement (ECF No. 10-1 at 14), Plaintiff's Opposition (ECF No. 11), and for reasons in today's accompanying Memorandum, it is **ORDERED**:

1. Defendants' Motion for a more definite statement (ECF No. 10-1 at 14) is **DENIED**;

2. Defendants' Motion to dismiss (ECF Nos. 10) is **GRANTED in part** and **DENIED in part** requiring we:

a. **Dismiss** Plaintiff's official capacity claims against the individual Defendants with prejudice;

b. **Dismiss** Plaintiff's First Amendment retaliation claim against Defendant Flannery based on the Board approving Plaintiff's rescinded resignation on September 12, 2023 without prejudice;


c. **Dismiss** Plaintiff's First Amendment retaliation claim against Defendants Fox, Burnett, Orner, Andes, and Strohmayer based on Plaintiff's administrative leave and forced resignation without prejudice;

d. **Dismiss** Plaintiff's procedural due process claim without prejudice;

e. **Dismiss** Plaintiff's substantive due process claim without prejudice;

f. **Dismiss** Plaintiff's intentional interference with prospective contractual relations claim against 21st Century Cyber Charter School with prejudice; and

g. **Direct** Defendants file an Answer by no later than **July 2, 2024** and the parties proceed into discovery on the Pennsylvania Whistleblower Law claim against all Defendants, First Amendment retaliation claim against Defendant Flannery for Director Currie's administrative leave and forced resignation, First Amendment retaliation claim against Defendants Fox, Burnett, Orner, Andes, Strohmayer for approving Director Currie's rescinded resignation, and intentional interference with prospective contractual relations claim against Defendant Flannery.



KEARNEY, J.